

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY JIDDA PRIORITY

UNCLAS STATE 099411

E.O. 11652: N/A

TAGS:CGEN: (KALOUPEK, WILLIAM E.)

SUBJECT: JUDICIAL ASSISTANCE: DALEY V. US

1. US ATTY FOR DISTRICT OF MASSACHUSETTS HANDLING
CAPTIONED CASE IN WHICH US GOVERNMENT IS DEFENDANT HAS BEEN
UNSUCCESSFUL IN CONTACTING MR. WILLIAM E. KALOUPEK, LAST
KNOWN TO BE RESIDING AT IDEA CENTER, C/O ZIYAD AZIDAN, PO
BOX 1999, JIDDA. US ATTY SENT LETTER TO SUBJECT AT THIS
ADDRESS BUT HAS HAD NO RESPONSE.

2. US ATTORNEY DESIRES TO SETTLE THE SUIT OUT OF COURT.
HOWEVER, SHE NEEDS INFORMATION WHICH MR. KALOUPEK CAN
PROVIDE WITH RESPECT TO CERTAIN ALLEGATIONS MADE BY
PLAINTIFF.

3. TEXT OF LETTER SENT TO MR. KALOUPEK IS SET FORTH BELOW.
IN VIEW OF TIME FACTOR EMBASSY REQUESTED TO CONTACT
MR. KALOUPEK AND ADVISE HIM OF CONTENTS OF LETTER AND ASK
HIM TO COMMENT UPON THE ALLEGATIONS PROVIDED IN PARA B
AND TO ADDRESS OTHER QUESTIONS POSED THROUGHOUT LETTER.
PLEASE RELAY RESPONSES BY CABLE.

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4. TEXT OF LETTER FROM ASS'T US ATTY ANNA TRETTER FOLLOWS:

A. THIS OFFICE IS INVOLVED IN A LAWSUIT IN WHICH IT IS
ALLEGED THAT ON FEBRUARY 9, 1973, THE NAVY ALLOWED STEAM
TO ESCAPE FROM A STEAM VENT ON THE CORNER OF SUMMER AND
FARGO STREETS IN BOSTON, MASSACHUSETTS. IT IS ALLEGED

THAT THIS STEAM IMPAIRED THE VISION OF THE DRIVER OF AN AUTOMOBILE AND PREVENTED HIM FROM STOPPING IN TIME TO AVOID HITTING TWO PEDESTRIANS, ONE OF WHOM WAS KILLED. THE ADMINISTRATOR OF HIS ESTATE SUED THE UNITED STATES OF AMERICA, CLAIMING THAT THE ESCAPING STEAM WAS THE CAUSE OF THE DECEASED'S DEATH DUE TO NEGLIGENT MAINTENANCE OF PIPES.

B. THE PLAINTIFF ALLEGES THAT THE PIPES ARE LOCATED AT THE CORNER OF FARGO STREET AND SUMMER STREET. THE PIPES ARE NOT INSULATED AND WHEN IT GETS COLD STEAM CONDENSES AND GOES OUT ON THE ROAD IN MASSIVE AMOUNTS. THIS CONDITION HAS EXISTED FOR SEVERAL YEARS. ON THE NIGHT OF FEBRUARY 9, 1973, STEAM CAME OUT OF THE PIPES AND COVERED THE DECEDENT. A MOTOR VEHICLE THEN PROCEEDING ON SUMMER STREET STRUCK THE DECEDENT AND KILLED HIM. THE OPERATOR OF THE MOTOR VEHICLE DID NOT SEE THE DECEDENT BECAUSE OF THE STEAM.

C. THE REASON WE ARE WRITING YOU ABOUT THIS MATTER IS BECAUSE WE WERE INFORMED BY MR. JOHN B. CALARESE, A FORMER DIRECTOR OF THE BOSTON CARETAKER GROUP, THE SUCCESSOR CARETAKING ORGANIZATION TO THE BOSTON NAVAL SHIPYARD, THAT YOU WERE THE PUBLIC WORKS OFFICER DURING THE TIME IN QUESTION AND OVERSAW THE MAINTENANCE OF THE STEAM VENT WITH WHICH WE ARE CONCERNED.
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D. IS THE LOCATION STATED ABOVE CORRECT? COULD YOU TELL US APPROXIMATELY WHERE THE "VENT" WAS LOCATED, AND WHAT BUILDINGS DID THE PIPES CONNECT TO OR SERVE. WERE THESE PIPES NAVY PROPERTY TO BE MAINTAINED BY THE NAVY ALONE OR WHERE OTHER MAINTENANCE PARTIES INVOLVED, EX. CITY OF BOSTON; BOSTON EDISON. COULD YOU DRAW OR DESCRIBE THE PHYSICAL DETAILS, AS WELL AS LOCATION OF PIPES, VENT? WAS THE STEAM FUNNELED OR CONTROLLED SO AS TO BLOW UPWARD RATHER THAN DISPERSED AT THE LEVEL OF THE AVERAGE HEIGHT OF A PEDESTRIAN?

E. WE WOULD LIKE TO KNOW WHETHER YOU EVER NOTICED OR RECEIVED ANY COMPLAINTS OR ANY STEAM REPORTS OF BEING EMITTED FROM THIS STEAM VENT THAT COULD HAVE INTERFERED WITH DRIVING, WHETHER THE VENT WAS PROPERLY INSULATED, AND WHETHER IT HAD BEEN MAINTAINED TO THE SAME LEVEL AS OTHER NAVY VENTS.

F. PLEASE LET US KNOW WHETHER YOU HAVE ANY SUCH INFORMATION. IF NOT, PLEASE LET US KNOW WHO MAY HAVE SUCH KNOWLEDGE SO THAT WE MAY INQUIRE OF HIM. IF YOU CAN

SUPPLY US THE INFORMATION, PLEASE ADVISE US AS TO HOW
LONG YOU WILL REMAIN IN SAUDI ARABIA AND IF YOU ARE TO BE
TRANSFERRED, WHERE TO AND WHEN." CHRISTOPHER

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